



*Testimony before the Human Services Committee
Roderick L. Bremby, Commissioner
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Good afternoon, Senator Moore, Representative Abercrombie and distinguished members of the Human Services Committee. My name is Roderick Bremby and I am the Commissioner of the Department of Social Services. I am pleased to be before you today to testify on five bills raised on behalf of the Department. In addition, I offer remarks on several other bills on today's agenda that impact the Department.

Bills Raised on Behalf of DSS:

S.B. No. 893 (RAISED) AN ACT EXTENDING COST REPORTING DEADLINES FOR LONG-TERM CARE FACILITIES

This proposal would extend the time long-term care facilities have to file cost reports with the state.

By allowing long-term care facilities additional time to submit required annual reports, the Department is able to streamline and speed up the desk review process because that additional time allows providers to file more accurate cost reports with supporting materials attached.

Furthermore, Public Act 14-55 now requires additional reporting by long-term care providers regarding related party transactions.

We ask for your support of this proposal.

S.B. No. 894 (RAISED) AN ACT CONCERNING THE OFFICE OF CHILD SUPPORT SERVICES

This proposal would amend all statutory references to the lead IV-D agency's present name "Bureau of Child Support Enforcement." The proposal is to change the name to "Office of Child Support Services."

While there is no federal or state requirement mandating this name change, the mission of the lead IV-D agency, located within the Department of Social Services, has evolved in recent years to a family-centered approach that includes many services, in addition to traditional enforcement remedies.

Although the Department still engages in administrative enforcement, employing many advanced techniques to collect tens of millions of dollars every year on behalf of Connecticut's children, court-based enforcement is the primary responsibility of the agency's cooperative partner, Support Enforcement Services of the Judicial Branch.

It is important to note that the Department's federal oversight authority, the Office of Child Support Enforcement within the Administration for Children and Families, has emphasized the need in recent years to expand the child support vision. As a result, the Connecticut child support program, like other child support programs across the nation, is encouraging fathers and noncustodial parents to participate more fully in their children's lives. Such parental engagement may result in improved family relationships, increased economic stability, and enhanced overall child support collections.

Changing the name of the Department's child support program will more clearly define its evolving mission and purpose for Connecticut's children and families.

We ask for your support of this proposal.

S.B. No. 896 (RAISED) AN ACT CONCERNING PROTECTIVE SERVICES FOR SUSPECTED ELDERLY ABUSE VICTIMS

This proposal will allow for quicker provision of protective services for Connecticut residents age 60 and older. Among its provisions is a measure to enable greater access to older adults who are reported to be at risk of abuse, neglect, abandonment or exploitation.

Sections 1-3 of this bill update and clarify language in the previous Protective Services for the Elderly (PSE) statutes. In general, PSE records remain confidential, and the identity of an individual reporting abuse, neglect, exploitation or abandonment will not be disclosed, except to law enforcement if ordered by the court or if the elderly person petitions the Superior Court and the court determines that there is reasonable cause to believe the reporter knowingly made a false report or that other interest of justice require release of the reporter's name. The new language allows for disclosure of PSE records and information by the Department only to a multidisciplinary team when the Department needs assistance with its investigation, treatment or evaluation of a case; to law enforcement; and in any proceedings necessary to ensure the health, safety and welfare of the elderly person. As a general matter, the elderly person or his or her legal representative or attorney has the right of access to the Department's records, in accordance with all applicable laws, and with specific exceptions, which are similar to the access exceptions contained in HIPAA.

Section 4 of the bill requires covered entities, such as hospitals and health care providers, to disclose to all relevant health information to the Department, as necessary for the Department to investigate allegations of abuse, neglect, abandonment or exploitation. It is very important for social workers to be able to obtain health information from hospitals and other health care providers when investigating allegations of abuse and neglect of elderly persons. HIPAA permits covered entities to disclose this information to state agencies authorized by law to

receive reports of abuse and neglect, like the Department, to the extent the disclosure of such information is required by law. By requiring the disclosure under state law, hospitals and other health care providers may provide the information to the Department without fear of violating HIPAA.

Changes in sections 5-8 of the bill are technical.

Section 9 is proposed to address a recurring situation. The Department has received reports of abuse or neglect of an elderly person, and when the social worker goes to the home to investigate, the elderly person or the caretaker or other relative refuses to answer the door. The social worker returns several times, and is still unable to gain access to the elderly person because no one comes to the door. While it is possible that everything is fine, it is also possible that the elderly person is on the floor and unable to get up, or is being abused or neglected by an individual who does not want someone to come and investigate.

In these situations, there needs to be a mechanism by which the Department may gain access to the elderly person in that person's home. The language proposed in section 9 of this bill is based on New York's Protective Services Program statutes, and similar provisions are in at least 18 other states' statutes.

In order to obtain an order from the probate court under this section, the Commissioner would need to demonstrate to the probate court that it has reasonable cause to believe that the elderly person may need protective services, and that the elderly person or other individual in the home is prohibiting the Department from entering the home to investigate the situation. It is important for the Department to have this option so that it can meet its statutory duty to investigate all reports of abuse and neglect. It may be that everything is fine, although it also may be that an abuser is blocking the social worker from entry in order to hide what may be a very dangerous situation. Currently, in these situations, the Department has no recourse but to petition the probate court for a temporary conservatorship simply so that it can investigate allegations of abuse and neglect, which may or may not be true. Because the standard for obtaining a temporary conservatorship includes the need to demonstrate "immediate and irreparable harm," this is difficult for the Department to provide when it does not have the ability to investigate fully the circumstances. Allowing the probate court to simply allow the Department to investigate and assess is a more efficient, and less intrusive, intervention at this point in the investigation process.

The probate court order would be limited in scope. It would authorize the commissioner, accompanied by a police officer or other law enforcement official and anyone necessary to conduct the assessment, to enter the premises to conduct an assessment and determine whether the elderly person is in need of protective services.

The Department is seeing the instance of elder abuse increasing at an alarming rate. Immediate access to elderly persons is essential to stopping the abuse as soon as possible. This new section will allow Protective Services workers to meet their statutory duty to protect those elderly persons who may be unable to get the help they need by themselves and elderly persons whose caregivers are intentionally blocking the Department from investigating abusive situations.

Example 1: Mrs. R is 94 years old and suffers from dementia. She lives with her granddaughter in a third floor apartment accessible only by a narrow, steep staircase that she is unable to navigate safely without assistance. The reporter suspects that the granddaughter is a heroin user and has been using Mrs. R's income to buy drugs. It was reported that Mrs. R has fallen several times in her home and recently spent time lying on the floor before she was found. It was reported that Mrs. R has little food available to her, does not have a working telephone or hot water, and her cable has been shut off. She is isolated and unable to call for help in an emergency. It was also reported that Mrs. R and her granddaughter have received a notice to quit for non-payment of rent. The Department initiated an investigation. At first, the granddaughter was cooperative. However, when the Department started asking the granddaughter about the elderly person's financial information, the granddaughter refused to let the social worker into the apartment and stopped answering her cell phone. The Department, having no other recourse and fearing the worst, applied for a temporary conservatorship with the probate court in order to gain access to the elder and provide protective services. Before the hearing could take place, the two were evicted from the apartment. Notices of hearing were returned and a hearing could not take place. Mrs. R was not located until a few months later when another report of abuse was received. Under the current process, the neglect suffered by this elder continued unnecessarily.

Example 2: The Department received a report of self-neglect involving an elderly woman whose home was about to be auctioned due to pay unpaid property taxes. The report also alleged that her home did not have running water, electricity, or heat. The social worker attempted several times to visit the elderly person, but each time she would not answer the door. The social worker was unable to assess the elder's living situation. The social worker requested the assistance of local law enforcement, a geriatrician, and mental health workers. Law enforcement refused to force entry into the home without a warrant. After several months of attempting to gain access, the Department filed a temporary conservator application, which was granted. It was later confirmed that the elderly person was without running water, electricity, or heat. The home was in severe disrepair. It appeared that she had been without functioning bathroom facilities for some time. The condition of the home was unsafe and unsanitary due to the hoarding of items throughout the household. Had the social worker had a more efficient mechanism to access the elder in her home for purposes of assessing the elder and her living situation, the elder's basic needs of adequate shelter facilities (and numerous other financial issues that were later discovered by the conservator) would have been addressed several months sooner.

The Department believes this proposal would allow staff in our Protective Services program to investigate, in a timely manner, reports of abuse, neglect, exploitation, or abandonment when the commissioner is denied access to the alleged abused person. Furthermore, the Governor Malloy's Executive Order 42 supports state agencies' efforts to take action to protect elders from abuse, neglect, exploitation, and abandonment. The adoption of this provision would enable the Department to have the tools necessary to meet its statutory duty.

We ask for your support of this proposal.

S.B. No. 897 (RAISED) AN ACT CONCERNING FAIR RENT FOR RESIDENTIAL CARE HOMES

This proposal would update the formula for state reimbursement to residential care homes (RCHs) for fair rent expenses associated with real property and land.

These proposed changes maintain minimum fair rent at \$3.10 per resident per day if calculated fair rent is less than \$3.10 per day. Currently, some facilities receive \$3.10 per resident per day if the facility had fair rent assets as far back as 1996. These providers continue to receive the \$3.10 per resident per day even if the 1996 assets are no longer in service, while also having newer assets in service that exceed \$3.10. This proposal standardizes the fair rent reimbursement for all residential care home providers by reimbursing for current and actual fair rent expenses with real property and land.

We ask for your support of this proposal.

H.B. No. 6764 (RAISED) AN ACT CONCERNING INCOME WITHHOLDING FOR CHILD SUPPORT

This proposal would require the state Comptroller, for state employees and retirees, and the Department of Labor (DOL), for persons receiving unemployment compensation benefits, to ensure that an electronic system is in place to honor support withholdings transmitted electronically by means of the federally sanctioned and supported electronic income withholding orders (e-IWO) process.

Income withholding is the most effective means of enforcing court-ordered child support. In FFY 2013, 70% of the \$284 million collected through the Title IV-D program was obtained by means of income withholding directly from employers and other payers of income. This collection method greatly expedites payments to families, and even more so when the withholding is established electronically through the electronic withholding process.

Additionally, requiring that an employer forward income withholding orders (IWOs) to workers' compensation carriers and subjecting such carriers to the same requirements that apply to the employer, (with regard to withholding of income and payment of withheld sums) will prevent delays in the transfer of IWOs and the collection of child support payments.

It is also important to note that the electronic income withholding process will also reduce processing time for the agencies involved. Without the electronic withholding, this process is done manually by agency staff.

In partnership with the Department of Labor and the Office of the Comptroller, the Department would like to express our combined support of this proposal as an effective and efficient way to expedite payments to families, while also reducing the burden on agency resources.

We ask for your support of this proposal.

Other Legislation Impacting the Department:

S.B. No. 895 (RAISED) AN ACT CONCERNING TEMPORARY FAMILY ASSISTANCE

This bill proposes numerous changes to the Temporary Family Assistance (TFA) statutes.

Over the past several months, the Departments of Social Services (DSS) and Labor created two workgroups to review the current state regulatory and operational policies associated with the TFA and Jobs First Employment Services (JFES) programs. We invited a variety of colleagues and constituents that are connected with both programs to participate. We also met with individuals who were either receiving or had received TFA and/or were current or former JFES participants. The Department reviewed programs and policies in other states and then discussed potential changes to Connecticut policies. Proposed Bill 895 presents a variety of changes to CGS 17b-112 and 17b-688c that were discussed by the DSS/DOL TFA workgroup.

The Department is aware of the rationale to each of the proposed changes and recognizes the positive aspects to each potential change. However, many, if not all, of the proposed changes will require an increase in state expenditures, and, thus, we cannot support the bill as proposed.

We are also specifically concerned about the proposed new language in 17b-112 (h) that requires that federal block grant funding be included in the budget and be administered solely by the Department of Social Services rather than be deposited in the resources of the General Fund as it is currently.

Since the Temporary Assistance for Needy Families (TANF) block grant was passed in 1996, Connecticut has successfully received every TANF dollar, equaling out to \$267 million per year. Connecticut was also successful in accessing TANF High Performance Bonus funds when they were available. The state has also accessed TANF short term ARRA funds (\$30 million) and leveraged nearly \$1 million in private contributions.

DSS, OPM, and the General Assembly have worked cooperatively and successfully since 1996 to ensure that the state of Connecticut accesses every TANF dollar available. DSS also continues to work cooperatively with eight sister agencies to provide services for TANF eligible families.

With willingness and sincere interest the Department would like to work with the bill sponsors of SB 895 to fully discuss the proposed changes in order to not jeopardize future TANF funding.

H.B. No. 6763 (RAISED) AN ACT CONCERNING SOCIAL INNOVATION

Social Innovation Investment is a pioneering concept that couples private sector investment and financing with public sector service delivery. This model supports performance-based payments

as well as accountability, efficiency, and critical funding that is not available in the state's General Fund.

The Department is supportive of this concept and commends the chairs for bringing it forward again this session. The Department proposed a similar piece of legislation in the past that unfortunately was not acted upon, and also supported the language contained in LCO 5669 from last session it is our hope that this bill, with provisions that were agreed upon during the 2014 session, will provide the basis of redesigning the social services funding and delivery system.